

By: Villarreal

H.B. No. 3634

A BILL TO BE ENTITLED

AN ACT

relating to including additional territory in the state in a junior college district.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 130.003(b), Education Code, is amended to read as follows:

(b) To be eligible for and to receive a proportionate share of the appropriation, a public junior college must:

(1) be certified as a public junior college as prescribed in Section 61.063;

(2) offer a minimum of 24 semester hours of vocational and/or terminal courses;

(3) have complied with all existing laws, rules, and regulations governing the establishment and maintenance of public junior colleges;

(4) collect, from each full-time and part-time student enrolled, matriculation and other session fees in the amounts required by law or in the amounts set by the governing board of the junior college district as authorized by this title;

(5) grant, when properly applied for, the scholarships and tuition exemptions provided for in this code; and

(6) ~~[for a public junior college established on or after September 1, 1986,~~] levy and collect ad valorem taxes as provided by law for the operation and maintenance of the public

1 junior college.

2 SECTION 2. Section 130.0032(c), Education Code, is amended
3 to read as follows:

4 (c) The governing board of a public junior college district
5 may allow a person who resides outside the district to pay tuition
6 and fees at a rate less than the rate applicable to other persons
7 residing outside the district, but not less than the rate
8 applicable to a student who resides in the district, if the person[+]

9 ~~[(1) resides within the service area of the district;~~

10 ~~[(2) does not reside in an independent school district~~
11 ~~that meets the criteria of the coordinating board for the~~
12 ~~establishment of a junior college district under Section 130.013;~~
13 ~~and~~

14 ~~[(3)]~~ demonstrates financial need in accordance with
15 rules adopted by the Texas Higher Education Coordinating Board.

16 SECTION 3. Section 130.061, Education Code, is amended to
17 read as follows:

18 Sec. 130.061. INCLUSION OF TERRITORY IN ~~[EXTENSION OF~~
19 ~~BOUNDARIES OF A]~~ JUNIOR COLLEGE DISTRICT ~~[COEXTENSIVE WITH AN~~
20 ~~INDEPENDENT SCHOOL DISTRICT]~~. (a) In this section, "coordinating
21 board" means the Texas Higher Education Coordinating Board.

22 (b) Not later than January 1, 2013, the registered voters of
23 a county or part of a county that is not located in a junior college
24 district may petition to join an existing junior college district
25 or to establish a new junior college district under the other
26 provisions of this chapter.

27 (c) This section does not apply to a county in which a public

1 state college or public technical institute, as those terms are
2 defined by Section 61.003, is located.

3 (d) If a county or portion of a county is not located in a
4 junior college district as of January 1, 2013, the coordinating
5 board shall take action as provided by this section to include that
6 territory in a junior college district not later than January 1,
7 2016. For that purpose, the coordinating board shall adopt rules
8 prescribing procedures and prerequisites for establishing a new
9 junior college district or for annexing territory to an existing
10 junior college district in a manner that provides the greatest
11 benefit to the state and the residents of the territory involved.

12 (e) In adopting rules under this section, the coordinating
13 board shall consider:

14 (1) the scholastic population and taxable property
15 valuation of the territory;

16 (2) existing junior college district service areas;

17 (3) the location of existing junior college districts
18 and of the campuses, branch campuses, and other facilities and
19 programs of those districts;

20 (4) the efficient delivery of services and the
21 prevention of duplication of services; and

22 (5) the preferences of the residents of the territory
23 as expressed by any means, including at public hearings or through
24 petitions. ~~[The district boundaries of an independent school~~
25 ~~district junior college shall automatically be extended so that the~~
26 ~~boundary lines of the two districts, independent school district~~
27 ~~and junior college district, shall remain identical when:~~

1 ~~[(1) the junior college district was created with the~~
2 ~~same boundary lines as an independent school district;~~

3 ~~[(2) the boundaries of the independent school district~~
4 ~~are extended by consolidation, attachment of territory, or~~
5 ~~otherwise; and~~

6 ~~[(3) the board of trustees of the independent school~~
7 ~~district is also the governing board of the junior college.]~~

8 SECTION 4. Section 130.069, Education Code, is amended to
9 read as follows:

10 Sec. 130.069. TRANSFER [~~DISANNEXATION~~] OF [~~OVERLAPPED~~]
11 TERRITORY. On receipt of a petition signed by a number of
12 registered voters of the territory equal to at least five percent of
13 the total number of votes cast for all candidates for governor in
14 the most recent gubernatorial general election, the Texas Higher
15 Education Coordinating Board by order may disannex territory of a
16 [(a) All] junior college district that borders [districts whose
17 boundaries have or may hereafter become established so that they
18 include territory which prior to such establishment lay, and shall
19 continue to lie, within the boundaries of] another junior college
20 district and transfer that [shall have the power to disannex such
21 overlapped] territory to the bordering district if the
22 disannexation:

23 (1) will not cause any territory of a district to
24 become noncontiguous to the rest of the district;

25 (2) will not reduce the scholastic population and
26 taxable property valuation of a district below those required for
27 original establishment of a junior college district; and

1 (3) will make junior college educational
2 opportunities more accessible to the residents of the territory, as
3 determined by the coordinating board.

4 ~~[(b) Upon certification by the governing board of such a~~
5 ~~junior college district to the county board of school trustees of~~
6 ~~the county in which its college is located that such an overlapping~~
7 ~~condition exists, the county board may by resolution disannex the~~
8 ~~overlapped territory from the district, describing such territory~~
9 ~~by metes and bounds.]~~

10 SECTION 5. Section 130.122, Education Code, is amended by
11 adding Subsection (a-1) and amending Subsection (b) to read as
12 follows:

13 (a-1) If the boundaries of a junior college district are
14 adjusted under Sec. 130.061, the district shall adjust the tax rate
15 to ensure the projected tax revenue is lower than the sum of the
16 prior fiscal year's tax revenue, revenue from supplemental tuition
17 charged to students from locations annexed under Sec. 130.061, and
18 adjustments in state assistance to the district since the previous
19 fiscal year. The adjusted tax rate shall be adopted no later than
20 180 days after appraisal districts certify the assessed value of
21 property within the junior college district.

22 (b) No ~~[such]~~ bonds shall be issued ~~[and none of the~~
23 ~~aforesaid taxes shall be levied]~~ unless authorized by a majority of
24 the electors voting at an election held for that ~~[such]~~ purpose in
25 accordance with law, at the expense of the district. Each ~~[such]~~
26 election shall be called by resolution or order of the board, which
27 shall set forth the date of the election, the proposition or

1 propositions to be submitted and voted on, the polling place or
2 places, and any other matters deemed necessary or advisable by the
3 board. Notice of the [~~said~~] election shall be given by publishing a
4 substantial copy of the election resolution or order one time, at
5 least 10 days prior to the date set for the election, in a newspaper
6 of general circulation in the district. The board shall canvass the
7 returns and declare the results of the [~~such~~] election.

8 SECTION 6. Effective January 2, 2013, the following
9 provisions of the Education Code are repealed:

- 10 (1) Sections 130.00311, 130.062, 130.063, 130.064,
11 130.065, 130.066, 130.067, 130.068, and 130.122(f);
12 (2) Subchapter H, Chapter 130; and
13 (3) Subchapter J, Chapter 130.

14 SECTION 7. The Texas Higher Education Coordinating Board
15 shall adopt rules for the administration of Sections 130.061 and
16 130.069, Education Code, as amended by this Act, as soon as
17 practicable after this Act takes effect. For that purpose, the
18 coordinating board may adopt the initial rules in the manner
19 provided by law for emergency rules.

20 SECTION 8. (a) Except as otherwise provided by this Act,
21 and subject to Subsection (b) of this section, this Act takes effect
22 January 1, 2012.

23 (b) This Act takes effect only if the constitutional
24 amendment proposed by the 82nd Legislature, Regular Session, 2011,
25 providing for the legislature to pass laws relating to junior
26 college districts, including laws for the assessment and collection
27 of taxes by a junior college district without the necessity of an

H.B. No. 3634

1 election, is approved by the voters. If that amendment is not
2 approved by the voters, this Act has no effect.